

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

IN THE MATTER OF:	)	
	)	
Ashta Chemicals, Inc.	)	FINDING OF VIOLATION
3509 Middle Road	)	
Ashtabula, OH 44004	)	EPA-5-00-OH-12
	)	
Proceedings Pursuant to	)	
the Clean Air Act,	)	
42 U.S.C. §§ 7401 <u>et seq.</u>	)	
_____	)	

**Finding of Violation**

The United States Environmental Protection Agency (U.S. EPA) finds that Ashta Chemicals, Inc. (Ashta) is violating Section 112 of the Clean Air Act, 42 U.S.C. § 7412. Specifically, Ashta is violating the General Provisions and National Emission Standards for Mercury, as follows:

**Regulatory Authority**

1. U.S. EPA promulgated the General Provisions at 40 C.F.R. § 61.12 on November 1, 1985 (50 Fed. Reg. 46292).
2. U.S. EPA promulgated the National Emission Standard for Mercury at 40 C.F.R. § 61.50 et seq. on March 19, 1987 (52 Fed. Reg. 8727).
3. The National Emission Standard for Mercury is applicable to stationary sources which use mercury chlor-alkali cells to produce chlorine gas and alkali metal hydroxide (40 C.F.R. § 61.50).
4. 40 C.F.R. § 61.12 requires, among other things, that a stationary source and associated air pollution control equipment be maintained and operated in accordance with good engineering practice for minimizing emissions.
5. 40 C.F.R. § 61.55(b)(4)(i) states that immediately following completion of emission testing, parameters monitored during the testing must be monitored and recorded manually or automatically at least once per hour.

6. 40 CFR § 61.55(b)(7) states that parameter excursions will be considered unacceptable operation and maintenance of the emission control system.

#### **Factual Background**

7. Ashta is the owner and operator of a mercury chlor-alkali process located at 3509 Middle Road, Ashtabula, Ohio 44004.
8. The mercury chlor-alkali process is subject to the General Provisions at 40 C.F.R. Part 61 and the National Emission Standards for Mercury at 40 C.F.R. §§ 61.50 to 61.55.
9. U.S. EPA conducted a multi-media compliance inspection at Ashta from June 14-25, 1999. This inspection included the mercury chlor-alkali process and associated process records.
10. A record review conducted during the multi-media inspection showed that Ashta exceeded the stack discharge temperature of 20°C at the hydrogen stack at least 200 hours from January 1997 through June 1999.
11. U.S. EPA issued a Request for Information to Ashta pursuant to Section 114 of the Act on August 20, 1999.
12. Ashta submitted responses to the 114 Request for Information on September 7, 15, and 28, 1999.
13. Information submitted in response to the 114 indicated at least 50 days where Ashta failed to maintain records required by the National Emission Standards for Mercury.

#### **Findings of Violation**

14. In violation of 40 C.F.R. § 61.12, Ashta failed to operate and maintain the emission control system in an acceptable manner as indicated by parameter excursions of hourly temperature values at the hydrogen stack discharge.
15. In violation of 40 C.F.R. § 61.55(b)(4)(i), Ashta failed to monitor and record temperature at the hydrogen stack discharge once per hour as indicated by missing records of the hydrogen stack discharge temperature.

2-11-00

Date



Bharat Mathur, Director  
Air and Radiation Division

**CERTIFICATE OF MAILING**

I, Loretta Shaffer, certify that I sent a Notice of Violation and Finding of Violation, issued pursuant to the Clean Air Act, by Certified Mail, Return Receipt Requested, to:

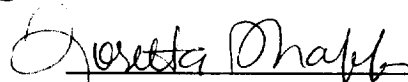
Richard L. Jackson, V.P. Operations  
Ashta Chemicals, Inc.  
3509 Middle Road  
P.O. Box 858  
Ashtabula, OH 44004

I also certify that I sent copies of the Notice of Violation and Finding of Violation by first class mail to:

Robert Hodanbosi, Chief  
Division of Air Pollution Control  
Ohio Environmental Protection Agency  
Lazarus Government Center  
P.O. 1049  
Columbus, Ohio 43216-1049

Dennis Bush, APC Supervisor  
Northeast District Office  
2110 E. aurora Road  
Twinsburg, Ohio 44087

on the 14<sup>th</sup> day of February, 2000.



Loretta Shaffer, Secretary  
AECAS, (OH/MN)

CERTIFIED MAIL RECEIPT NUMBER: 2 199 026 563